

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Curtis Dale Richardson,	)	Civil Action No.: 4:12-cv-02850-RBH
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Kela Thomas, Director SCDPPS;	)	
Valerie Suber, Parole Examinations	)	
Manager; Dayne Haile, Office of	)	
General Counsel; SCDC	)	
Classification Supervisor, name	)	
unknown; SCDC Records	)	
Supervisor, name unknown; Ms.	)	
York, Classification employee; Ms.	)	
Hough, Grievance Coordinator; Ms.	)	
Rembert, Classification employee;	)	
Warden McKie, Kirkland C.I.; Sgt.	)	
Livingston; Ms. Broach, Dentist;	)	
David Tatarsky, SCDC Attorney,	)	
individual and official capacities,	)	
	)	
Defendants.	)	
	)	

Plaintiff Curtis Dale Richardson, proceeding pro se, filed this action, alleging violations of his constitutional rights. The above-captioned Defendants filed a motion for summary judgment, and Plaintiff failed to respond to the motion for summary judgment. The matter is before the Court for review of the Report and Recommendation of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina. The Magistrate Judge recommends that the Court dismiss Plaintiff's complaint for Plaintiff's failure to prosecute.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this

Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The Court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

Neither party has filed objections to the Report and Recommendation. Objections were due April 25, 2014. Instead of filing objections, Plaintiff filed a motion to withdraw his claims without prejudice on April 29, 2014. ECF No. 90. In the motion, Plaintiff claims that he intends to file “all claims in the state courts.” The Court denies Plaintiff’s motion. Plaintiff filed his claims after the Magistrate Judge issued his Report and Recommendation, and Plaintiff failed to provide a basis for his failure to respond to Defendants’ motion for summary judgment. Plaintiff, moreover, gives no reason why his claims are more appropriate for adjudication in the state courts. In the absence of appropriate objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’ ”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

**ORDERED** that Plaintiff's motion to withdraw claims (ECF No. 90) is **DENIED**, that Plaintiff's complaint be **DISMISSED with prejudice**, and that Defendants' motion for summary judgment (ECF No. 77) is deemed **MOOT**.

**IT IS SO ORDERED.**

s/ R. Bryan Harwell

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R. Bryan Harwell

United States District Judge

Florence, South Carolina  
May 7, 2014